



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,718	08/09/2002	Wyatt Price Hargett JR.	1700.80B	4227

21176 7590 12/29/2003

SUMMA & ALLAN, P.A.
11610 NORTH COMMUNITY HOUSE ROAD
SUITE 200
CHARLOTTE, NC 28277

EXAMINER

BRUENJES, CHRISTOPHER P

ART UNIT PAPER NUMBER

1772

DATE MAILED: 12/29/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,718

Applicant(s)

HARGETT ET AL.

Examiner

Christopher P Bruenjes

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8,13-15,36 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,13-15,36 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 1772

DETAILED ACTION

WITHDRAWN REJECTIONS

1. The obviousness-type double patenting rejections of claims 1, 4-16, and 36-38 over U.S. Patent No. 6,534,140 have been withdrawn due to Applicant's terminal disclaimer in Paper #11.

REPEATED REJECTIONS

2. The 35 U.S.C. 102 rejections of claims 1, 4, and 36 as anticipated by Giraud are repeated for the reasons previously of record in Paper #3, Pages 4-5 Paragraph 3.

Regarding newly added limitation to claim 1, Giraud teaches that the first layer is on the outer surface of said wound layer, and Giraud teaches a transparent unsaturated polyester resin, polyurethane, polyalkyl methacrylate, partially crosslinked polybutadienes, and transparent polymers based on styrene (col.3, 1.54-60). Those polymers are "pressure-resistant" and since the polymer is used to form a structural element the polymer is structural. As shown in the applicant's specification in Paragraph 33, styrene based polymers are listed as pressure-resistant, structural polymeric layers.

Art Unit: 1772

3. The 35 U.S.C. 102 rejections of claims 1, 4-6, 36 and 38 as anticipated by Bennett are repeated for the reasons previously of record in Paper #7, Pages 4-6 Paragraph 5.

Regarding the newly added limitation to claims 1 and 38, Bennett teaches that the first layer is on the outer surface of said wound layer, and Bennett teaches that the other layer on the opposite side of the wound layer is formed from tetrafluoroethylene, which is a pressure resistant structural polymer (col.6, 1.45-65).

4. The 35 U.S.C. 103 rejections of claims 7-8 and 13-15 over Bennett are repeated for the reasons previously of record in Paper #7, Pages 6-7 Paragraph 6.

ANSWERS TO APPLICANT'S ARGUMENTS

5. Applicant's arguments regarding the obviousness-type double patenting rejection have been considered but are moot since the rejection has been withdrawn.

6. Applicant's arguments regarding the 35 U.S.C. 102 rejections of claims 1, 4, and 36 as anticipated by Giraud have been fully considered but they are not persuasive.

Art Unit: 1772

In response to Applicant's argument that Giraud fails to disclose the "pressure-resistant, structural polymeric layer", Giraud teaches a transparent unsaturated polyester resin, polyurethane, polyalkyl methacrylate, partially crosslinked polybutadienes, and transparent polymers based on styrene. Those polymers are "pressure-resistant" and since the polymer is used to form a structural element the polymer is structural. Furthermore, the adjectives and polymers that are equivalent are described in the specification at Paragraph 33, in which styrene based polymers are listed as pressure-resistant, structural polymeric layers.

7. Applicant's arguments regarding the 35 U.S.C. 102 rejections of claims 1, 4-6, 36 and 38 as anticipated by Bennett have been fully considered but are not persuasive.

In response to Applicant's argument that the meaning of an adjective is defined by the prior art, the meaning of "contiguous" in Paper #7 is not defined by the prior art, but by the specification of the instant application. Applicant has defined "contiguous" in Paper #5 in order to overcome the 35 U.S.C. 112 first paragraph rejection made in Paper #3. In Paper #5 on Page 6, Applicant states that "contiguous" is defined by the Figures. The Figures of the instant invention that are used

Art Unit: 1772

to define the word "contiguous" as stated by the applicant in Paper #5, is the same as Figure 2 of the Bennett reference. Furthermore, the definition stated in Paper #5 is that the yarns are touching or connected through in an unbroken sequence. Yarns that are wound are connected throughout in an unbroken sequence at least end to end.

8. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 7-8 and 13-15 over Bennett have been fully considered but are not persuasive.

In response to Applicant's argument that Bennett fails to teach that the yarns are contiguous, see the response to the 35 U.S.C. 102 rejections of Bennett above.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 1772

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P Bruenjes whose telephone number is 703-305-3440. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Christopher P Bruenjes
Examiner
Art Unit 1772

CPB

December 15, 2003


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

12/23/03